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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SOUTH CAMDEN CITIZENS IN
ACTION, BARBARA PFEIFFER,
PHYLLIS HOLMES, LULA
WILLIAMS and SHARON
CHRISTIE POTTER

Plaintiffs,

vs.

THE NEW JERSEY
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION, BRADLEY
CAMPBELL, Commissioner of the
New Jersey Department of
Environmental Protection, in his
official capacity,

Defendants,

and

ST. LAWRENCE CEMENT CO.,
L.L.C,

Intervenor-Defendant.

DISTRICT OF NEW JERSEY
DOCKET NO.: 01-CV-702 (FLW)

**CERTIFICATION OF OLGA D.
POMAR, ESQUIRE
IN OPPOSITION TO MOTION
FOR SUMMARY JUDGMENT**

OLGA D. POMAR, ESQ., hereby certifies under penalty of perjury as follows:

1. I am an attorney-at-law of the State of New Jersey and am employed at South Jersey Legal Services, Inc. I am lead counsel for plaintiffs in the matter captioned *South Camden Citizens in Action, et al., v. New Jersey Department of Environmental Protection*, Docket No. 01-702 (FLW). As such, I have personal knowledge of the facts set forth herein and make this Certification in Opposition of the Motion of St. Lawrence Cement Co., L.L.C. ("SLC") for Summary Judgment.
2. Attached hereto as Exhibit A is a true and accurate copy of excerpts from the transcript of Sharon Christie Potter's June 23, 2004 oral deposition of Sharon Christie Potter.
3. Attached hereto as Exhibit B is a true and accurate copy of excerpts from the transcript of Michael Lang's May 27, 2004 oral deposition.
4. Attached hereto as Exhibit C is a true and accurate copy of excerpts from the transcript of Patrick J. Mulligan's May 27, 2004 oral deposition.
5. Attached hereto as Exhibit D is a true and accurate copy of excerpts from the transcript of Phyllis Holmes' July 9, 2004, oral deposition.
6. Attached hereto as Exhibit E is a true and accurate copy of excerpts from the transcript of Lula Williams' June 16, 2004 oral deposition.

7. Attached hereto as Exhibit F is a true and accurate copy of excerpts from the transcript of Lula Williams' July 7, 2004 oral deposition.

8. Attached hereto as Exhibit G is a true and accurate copy of excerpts from the transcript of Barbara Pfeiffer's June 14, 2004 oral deposition.

9. Attached hereto as Exhibit H is a true and accurate copy of excerpts from the transcript of Barbara Pfeiffer's July 14, 2004 oral deposition.

10. Attached hereto as Exhibit I is a true and accurate copy of the Response to Citizen's Advisory Panel Questions Presented at the 3/2/00 Cap Meeting Related to Air Quality and Public Participation.

11. Attached hereto as Exhibit J is a true and accurate copy of a July 7, 2000, letter from Michael Davis, P.Eng. with St. Lawrence Cement to Irwin M. Berlin, M.D., F.C.C.P.

12. Attached hereto as Exhibit K is a true and accurate copy of an August 1, 2000, letter from Richard J. Califano, Ph.D., with Malcom Pirnie to Irwin M. Berlin, M.D., F.C.C.P.

13. Attached hereto as Exhibit L is a true and accurate copy of excerpts from the transcript of Mary Hewitt Daly's June 15, 2003 oral deposition.

14. Attached hereto as Exhibit M is a true and accurate copy of excerpts from the transcript of Paul E. Flaherty's May 6, 2005 oral deposition.

15. Attached hereto as Exhibit N is a true and accurate copy of the Curriculum Vitae of Stuart A. Batterman.

16. Attached hereto as Exhibit O is a true and accurate copy of the Curriculum Vitae of Jeremy Laurence Mennis.

17. Attached hereto as Exhibit P is a true and accurate copy of Mr. Robert C. Shinn Jr.s' September 1998 Letter to Coca Cola, Exhibit RS-4 of Robert C. Shinn, Jr's July 21, 2004 oral deposition.

18. Attached hereto as Exhibit Q is a true and accurate copy of Pamela Lyons' August 22, 2000 letter to Yasmin Yorker, Exhibit RS-8 of Robert C. Shinn, Jr.'s July 21, 2004 oral deposition.

19. Attached hereto as Exhibit R is a true and accurate copy of Department of Environmental Protection's (DEP) power point presentation on the DEP program, titled "Many Faces, One Family. The New Jersey Approach to Environmental Equity", Exhibit RS-3 of Robert C. Shinn Jr.s' July 21, 2004 oral deposition.

20. Attached hereto as Exhibit S is a true and accurate copy of Melinda Dower's Memorandum on Environmental Equity Rulemaking Launch to Robert C. Shinn, Jr., Exhibit RS-11 of Robert C. Shinn Jr.s' July 21, 2004 oral deposition.

21. Attached hereto as Exhibit T is a true and accurate copy of excerpts from the transcript of Gary Sondermeyer's May 21, 2004 oral deposition.

22. Attached hereto as Exhibit U is a true and accurate copy of excerpts from the transcript of Robert C. Shinn Jr.'s oral deposition.

Document 1 – June 21, 2004 deposition

Document 2 – July 21, 2004 deposition

23. Attached hereto as Exhibit V is a true and accurate copy of excerpts from the transcript of Iclal Atay's March 14, 2001 oral deposition.

24. Attached hereto as Exhibit W is a true and accurate copy of excerpts from the transcript of Robert E. Hazen's July 13, 2004 oral deposition.

25. Attached hereto as Exhibit X is a true and accurate copy of excerpts from the transcript of Ann Moffett Ryan's June 9, 2004 oral deposition.

26. Attached hereto as Exhibit Y is a true and accurate copy of excerpts from the transcript of Joann Held's oral deposition.

Document 1 - June 24, 2004 deposition

Document 2 – July 21, 2004 deposition

27. Attached hereto as Exhibit Z is a true and accurate copy of South Camden Citizens in Action's October 4, 2000 complaint filed with the DEP.

28. Attached hereto as Exhibit AA is a true and accurate copy of Ann Ryan's September 7, 1999 letter to St. Lawrence Cement Company.

29. Attached hereto as Exhibit BB is a true and accurate copy of NJAC 7:27A- 3.5.

30. Attached hereto as Exhibit CC is a true and accurate copy of DEP Documents Concerning Screening Model Obtained through Discovery marked as documents 1-8.

Document 1: Map- Municipalities with Highest Releases and Minority Populations

Document 2: Table 2- Example of the use of one database to identify notification communities

Document 3: Marlen Dooley's May 31, 2001 email to Bob Hazen

Document 4: Environmental Equity Values Table

Document 5: Table 5 – Race and Burden Parameter

Document 6: Chart- Plot of Total Toxic Release Inventory Releases Versus Municipalities Ranked by Increasing Percentage of Indicated Race

Document 7: Chart- % Black vs. Facility

Document 8: Chart- % White vs. Releases

31. Attached hereto as Exhibit DD is a true and accurate copy of Documents relating to DEP Waterfront South Air Toxics Study marked as documents 1-17.

Document 1: Peter Mayes' October 8, 2002 e-mail to Held & Boyko.

Document 2: Excerpts from Heart of Camden Strategic Investment Plan

Document 3: Initial Operating Permit Emissions Table

Document 4: Emission Chart for Camden County Resource Recovery Facility (CCRRA)

Document 5: 4th Quarter 2001-2002 Air Monitoring Chart

Document 6: December 2, 2003 (draft) Camden Mobile Sources Chart

Document 7: November 10, 2003 PM10: Company Inventory Chart

Document 8: November 10, 2003 Manganese: Inventory Chart

Document 9: September 30, 2003 Presentation

Document 10: September 30, 2003 Pollutants with Risk Ratios Greater Than One Chart

Document 11: Linda Bonanno's November 20, 2003 e-mail to Held & Stern

Document 12: November 26, 2003 Progress Report

Document 13: December 10, 2003 PM10, Stationary Sources Only Chart

Document 14: December 10, 2003 PM 2.5 Stationary Sources Only Chart

Document 15: December 10, 2003 Community Advisory Committee Flip Chart Notes

Document 16: Risk Reduction Strategies- SLC

Document 17: February 6, 2004 Progress Report

Document 18 – Map – Predicted PM 10 Concentrations – Annual Average

Document 19 – Map – Predicted PM 10 Concentrations – 24-hr. Average

Document 20 – Map – Predicted PM2.5 Concentrations – Annual Average

Document 21 – Map – Predicted PM2.5 Concentrations – 24-hr. Average

32. Attached hereto as Exhibit EE are photographs taken by Ms. Lula

Williams, on July 5, 2004 and produced at her deposition on July 7, 2004.

Document 1: SLC facility.

Document 2: SLC facility.

Document 3: SLC facility

Document 4: Porch at 1907 South 4th Street

Document 5: Window sill at 1907 South 4th Street

33. Attached hereto as Exhibit FF are excerpts from documents from the

DEP's file regarding SLC's permit application, which I obtained

through a public records request made to DEP prior to the

commencement of this litigation, and which was provided to the parties

during discovery in response to SLC's request for production of documents.

Document 1: Document titled "Fugitive Control Technology Analysis for Particulate Emissions at the Proposed GBFS Grinding Facility St. Lawrence Cement, Camden, NJ

Document 2: Letter dated January 31, 2000 from Malcolm Pirnie to DEP with attachment

34. Attached hereto as Exhibit GG is a document I obtained from DEP at a meeting held on January 24, 2005 with SLC, the Port, and community members, to discuss SLC's permit modification application.
35. Attached hereto as Exhibit HH is a document from the DEP's files regarding the Camden Cogeneration facility titled "Table 6, Allowable Annual Emissions, both Cogeneration Facilities", which I obtained through a public records request made to DEP, and which was provided to the parties during discovery in response to SLC's request for production of documents.
36. Attached hereto as Exhibit II is a documents from the DEP's files regarding the G-P Gypsum facility titled "Summary of Application Contents, Emissions Summary", which I obtained through a public records request made to DEP, and which was provided to the parties during discovery in response to SLC's request for production of documents..

37. Attached as Exhibit JJ is a list of permits issued by DEP for facilities located in Camden City, produced by DEP in response to plaintiffs' discovery requests.
38. Attached as Exhibit KK are true and accurate copy of excerpts from the transcript of Irwin Berlin's March 16, 2001 oral deposition.
39. Attached as Exhibit LL are true and accurate copy of excerpts from the transcript of Pamela Lyons' oral deposition.

Document 1 – May 13, 2004 deposition

Document 2 – July 1, 2004 deposition

40. Attached as Exhibit MM is a copy of Administrative Complaint to EPA filed by SCCIA on October 4, 2000.
41. Attached as Exhibit NN are excerpts from SLC's Answers to SCCIA's Interrogatories, as follows:

Document 1 – Interrogatory 6
Document 2 – Interrogatory 7
Document 3 – Interrogatory 23
Document 4 – Interrogatory 24
42. Attached as Exhibit OO are true and accurate copy of excerpts from the transcript of Joseph Meadow's June 23, 2004 oral deposition.
43. Attached as Exhibit PP are true and accurate copy of excerpts from the transcript of Charles Lyons' oral depositions

Document 1 – July 22, 2004 deposition

Document 2 – Sept. 2, 2005 deposition

- 44. Attached as Exhibit QQ are true and accurate copy of excerpts from the transcript of Stuart Batterman's April 11, 2005 oral deposition.
- 45. Attached as Exhibit RR are true and accurate copy of excerpts from the transcript of Edward Choromanski's April 7, 2005 oral deposition.
- 46. Attached as Exhibit SS is 2000 Census data I obtained from the U.S.

Census website,

<http://factfinder.census.gov>

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.

South Jersey Legal Services, Inc.
Attorneys for Plaintiffs

By: Olga D. Pomar
Olga D. Pomar, Esquire

Dated: July 18, 2005